

Application No. 09/810,811
Amendment Dated June 7, 2005
Reply to Office Action of December 10, 2004

REMARKS/ARGUMENTS

By this Amendment, the specification is amended, claim 7 is canceled, claims 1, 5, 6, 11 and 12 are amended. Claims 1-6 and 8-19 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner sets forth that the Information Disclosure Statement file on June 22, 2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the Examiner believes that the NPL does not list page numbers, dates and other relevant data. It has been placed in the application file by the Examiner, but the information referred to therein has not been considered as to the merits according to the Examiner. Applicants are advised by the Examiner that the date of any re-submission of any item of information contained in this Information Disclosure Statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). The Examiner directs the Applicants' attention to MPEP § 609 ¶ C(1).

According to the Examiner, the title of the invention is not descriptive and a new title is required that is clearly indicative of the invention to which the claims are directed. The Applicants respectfully submits that the title exactly describes what the inventors believe to be their invention. The first paragraph of the specification sets forth:

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In the preferred embodiment the animation system is a short animation package that communicates a business message in an entertaining way. It is believed that the animation systems of the invention can be most advantageously applied in the field of providing training messages to recipient employees by user employers to train and communicate the recipient employee according to a selected message.

Thus, the invention is intended to be, and in fact is sold to employers as, a method for communicating business messages to employees of their business.

The Examiner further sets forth that the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 180 in Figure 3. According to the Examiner, corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required by the Examiner in reply to the Office Action to avoid abandonment of the application and any amended replacement-drawing sheets should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. According to the Examiner, the replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84©) so as not to obstruct any portion of the drawing figures and of the Examiner does not accept the changes, the

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Applicants will be notified and informed of any required corrective action in the next Office Action. The objection to the drawings will not be held drawings by the Examiner.

The Specification has been amended accordingly.

The Examiner sets forth that Claim 5 is objected to because of the following informality:

The Examiner sets forth that there are already steps (a) and (b). Appropriate correction is required according to the Examiner. The Applicants respectfully submit that Claim 5 is believed to be correct since it is a very well established practice to use the same letters to identify clauses in different claims.

The Examiner further sets forth that Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner believes that the claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. According to the Examiner, the claim discloses determining "a plurality of recipient events in accordance with said targeted business" and the Examiner believes that the Specification does not go into any detail in how the recipient events are determined. The recipient events are not shown with a targeted business according to the Examiner.

The Examiner further sets forth that Claims 5-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, because the Examiner believes that the claim(s) contains subject matter, which was not described in

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the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. According to the Examiner, the specification does not disclose what are indicia of at least a portion of said selected animation and there is no enablement of applying a visual representation of the portion. According to the Examiner, Claim 6 discloses a poster and Claim 7 discloses a power point presentation but according to the Examiner these are not enabled, by the Specification, to apply visual representation of a said portion.

The Applicants believe that enablement for the use of posters to apply the visual representation can be found at page 10, lines 9-13.

Claims 11-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, because the Examiner believes that the claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner believes that the Specification is silent on a message user objective and training objective, disclosed in claims 11-13.

Claim 11 has been amended accordingly. The Applicants believe that enablement for determining the training objective of claims 12 and 13 can be found at page 7, lines 1-2.

The Examiner further sets forth that Claims 15 and 16 are rejected because under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, because the Examiner believes that the claim(s) contains subject matter, which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. According to the Examiner, the Specification does not disclose how to show employee specific positive or negative reinforcement event and one of ordinary skill in the art would not understand how to enable Claims 15 and 16.

The Applicants believe that enablement for providing positive and negative reinforcement to a recipient can be found at page 12, lines 16-20.

Claim language referred to by the Examiner, but not removed by the Applicants is believed to be inherent in the specification.

The Examiner further sets forth that this application currently names joint inventors. According to the Examiner, in considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary and Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103 and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The Examiner further sets forth that Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slechta et al. ("Slechta"), USPN 6,788,987, in view of Bro, USPN 6,249,809.

Regarding Claim 1, the Examiner believes that Slechta discloses a method for performing business training communications, comprising the steps of:

determining a targeted business [i.e. factory environment, the Examiner directs the Applicants' attention to Slechta, col. 2, lines 11-18 and col.3, lines 56-64];

performing a needs analysis to determine a plurality of recipient events in accordance with said targeted business [i.e. different events for changeover, the Examiner directs the Applicants' attention to Slechta, col. 3, line 55 - col. 4, line 3];

determining a plurality of business training messages in accordance with said plurality of determined recipient events, providing an animation for each of said business-training messages in accordance with said plurality of determined business training messages to provide a plurality of animation systems [the Examiner directs the Applicants' attention to Slechta, col. 4, line 41- col. 5, line 5, line 10];

determining a recipient event and a targeted message recipient [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 31-49 and 55-65];

selecting an animation system of said plurality of animation systems in accordance with said recipient event and said business training message of said selected animation system and applying said selected animation system to said

targeted recipient [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 11-30 and 55-65].

The Examiner notes that Slechta does not specifically disclose providing, selecting and applying said plurality of animation systems to a message user. However, the Examiner believes that Bro, which the Examiner believes is in the same field of endeavor, discloses providing, selecting and applying messaging system to a message user [i.e. employer messaging worker, the Examiner directs the Applicants' attention to Bro, col. 2, lines 11-56 and col. 3, lines 19-22]. According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the employer messaging the user, taught by Bro, into the animation messaging system, taught by Slechta, in order to have management more control over the use of the animation messages.

Regarding Claims 2-4, the Examiner believes that Slechta-Bro further discloses transmitting an email directly to the targeted recipient and transmitting the animation files to the location of the targeted recipient, wherein loading and displaying the animation files using animation programming disposed at the location of the targeted recipient [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 16-25 and Bro, col. 6, lines 39-58].

Regarding Claim 5, the Examiner believes that Slechta-Bro further discloses providing a digital file containing indicia of at least a portion of the selected animation system to the user; and applying a visual representation of the portion of the selected

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animation system to the targeted recipient [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 16-25 and Bro, col. 8, lines 57-65].

Regarding Claims 6 and 7, the Examiner believes that Slechta-Bro further discloses a poster and a power point presentation for applying the visual representation of the portion of the selected animation system to the targeted recipient [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 16-65 and Bro, col. 6, lines 39-58 and col. 8, lines 57-65].

Regarding Claim 8 and 18, the Examiner believes that Slechta-Bro further discloses providing the plurality of animation systems to the message user and the target recipient by way of the internet [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 16-25 and Bro, col. 5, lines 16-37].

Regarding Claims 9 and 10, the Examiner believes that Slechta-Bro further discloses providing the plurality of animation systems to the message user by way of a tangible recording medium, wherein the Examiner believes that the tangible recording medium comprises a CD-ROM [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 55-65 and Bro, col. 4, lines 33-53].

Regarding Claim 11, the Examiner believes that Slechta-Bro further discloses selecting from the plurality of animation systems by the message user a further plurality of animation systems for applying the animation of systems of the further plurality of animation system to at least one message recipient in accordance with a message user

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objective [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 16-54 and Bro, col. 2, lines 11-56].

Regarding Claims 12 and 13, the Examiner believes that Slechta-Bro further discloses selecting further plurality of animation systems by the message user in accordance with a single training objective or a plurality of training objectives [the Examiner directs Applicants' attention to Slechta, col. 5, lines 16-54 and Bro, col. 2, lines 11-56 and col. 3, lines 30-65].

Regarding Claims 14-16, the Examiner believes that Slechta-Bro further discloses an event specific to the targeted employee, an employee specific positive reinforcement event or a negative reinforcement event [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 1-15 and Bro, col. 2, lines 11-56 and col. 3, lines 30-65].

Regarding Claim 17, the Examiner believes that Slechta-Bro further discloses an event specific to a plurality of employees [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 16-25 and Bro, col. 2, lines 11-56].

Regarding Claim 19, the Examiner believes that Slechta-Bro further discloses selecting the further plurality of animation systems by the message user from a catalog of system animations provided to the message user along with the providing of step (e) [the Examiner directs the Applicants' attention to Slechta, col. 5, lines 16-54 and Bro, col. 7, lines 48-60].

The Applicants' representative has filed herewith a Declaration under 37C.F.R. § 1.131 setting forth that a disclosure sufficient for drafting the specification and enabling the

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claims of the instant application was received by the Applicants' representative prior to the filing date of the Slechta reference cited by the Examiner. Furthermore, the enabling materials were received by the Applicants' representative less than one year before the filing date of the instant application.

Accordingly, the Applicants submit that the Slechta reference cannot be used against the instant application. Thus, the Applicants request that the 35 U.S.C. §103(a) rejection based on Slechta be withdrawn and the application is now believed to be allowable.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Please charge or credit our Account
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